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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,075

09/30/2003

Brent Dalmas Nelson

93-03-015

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10/23/2006

DOCKET CLERK, DM/EDS

P.O. DRAWER 800889

DALLAS, TX 75380

EXAMINER

COUGHLAN, PETER D

ART UNIT

PAPER NUMBER

2129

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,075

Applicant(s)

NELSON ET AL.

Examiner

Peter Coughlan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

1. This office action is in response to an AMENDMENT entered August 21, 2006 for the patent application 10/675075 filed on September 30, 2003.
2. The First Office Action of May 16, 2006 is fully incorporated into this Final Office Action by reference.

Status of Claims

- 3 Claims 1-20 are pending.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "internal consistency" in claims 2, 11 is a relative term which renders the claim indefinite. The term "internal consistency" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term 'internal consistency' and 'taxonomy' occurring within the same

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paragraph only happens twice within the entire 6 million plus database of patents. One is with the same inventor and the other is with the same assignee. The term 'internal consistency' and 'taxonomy' occurring within the same paragraph does not occur at all within the entire IEEE database. This term is not known with those skilled within the art.

The term "higher order language" in claims 6 and 15 is a relative term which renders the claim indefinite. The term "higher order language" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The applicant fails to set the boundary where the 'higher order language' starts. Does the non-canonical language start with the binary code, machine language, MIP's, a language without functions, a language without classes? The applicant fails to illustrate the divide between canonical and non-canonical languages.

35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 1-20 are rejected under 35 U.S.C. 101 for nonstatutory subject matter. The computer system must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical application. A method for generating an intellectual capital management system has no practical application. There needs to be a result that is a practical application.

In determining whether the claim is for a "practical application," the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is "useful, tangible and concrete." If the claim is directed to a practical application of the § 101 judicial exception producing a result tied to the physical world that does not preempt the judicial exception, then the claim meets the statutory requirement of 35 U.S.C. § 101.

Extracting information, correlating information, generating synonym links between them, integrating links into a taxonomy design, and exporting the final result is nothing more than an exercise in cataloging information.

The invention must be for a practical application and either:

- 1) specify transforming (physical thing) or
- 2) have the FINAL RESULT (not the steps) achieve or produce a
useful (specific, substantial, AND credible),
concrete (substantially repeatable/ non-unpredictable), AND
tangible (real world/ non-abstract) result.

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A claim that is so broad that it reads on both statutory and non-statutory subject matter, must be amended, and if the specification discloses a practical application but the claim is broader than the disclosure such that it does not require the practical application, then the claim must be amended. The applicant fails to demonstrate the real world purpose or function, which the invention executes. 'Generating an intellectual capital management system' is abstract due to the fact that numerous real world applications could be mapped to it. It could be used with human resources, intellectual property or inventory all of which need a separate application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-13, 16-19 are rejected under 35 U.S.C. 102(e) (hereinafter referred to as **Schmitz**) being anticipated by Schmitz et al., U.S. Patent Publication 20030149567.

Claims 1, 10, 19.

Schmitz anticipates extracting a plurality of local taxonomies from the plurality of local enterprise community models (**Schmitz**, ¶0037; 'Enterprise community models' of applicant is equivalent to 'taxonomy description' of Schmitz. 'Extracting' of applicant is accomplished by the 'transaction engine' which 'extracts the client identifier inserted by the request normalizer and the taxonomy description. '); correlating from each of said plurality of local taxonomies a set of topics and a set of associations for generating a correlated topics and associations set relating to each of said plurality of local taxonomies (**Schmitz**, ¶0029; 'Topics' of applicant is equivalent to 'category' of Schmitz. 'Set of associations' of applicant is equivalent to 'attributes' of Schmitz.); deriving a plurality of synonym links for linking synonyms within said correlated topics and associations set (**Schmitz**, ¶0027 and ¶0029; 'Natural language' taxonomy can be used to make 'synonym links' of the 'attribute value' (a superset of category) of Schmitz. 'Correlated topics and associations' of applicant is equivalent to 'attribute-value pairs' of Schmitz.) ; integrating said plurality of synonym links and said correlated topics and associations set into an integrated enterprise taxonomy (**Schmitz**, ¶0038, ¶0039; 'Integrating' of applicant is equivalent to 'taxonomy database' of Schmitz. 'Synonym links' of applicant is accomplished by the 'using statistics and analytics generated by the analytics system' of Schmitz. At this point all synonym links and attribute vales are linked together in a standard template form.) ; and exporting said integrated enterprise taxonomy into said intellectual capital management system. (**Schmitz**, ¶0039 and abstract; 'Exporting said integrated enterprise taxonomy' of applicant is equivalent to

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'attribute-value composite string may be generated' of Schmitz. 'Intellectual capital management system' of applicant is equivalent to 'resource utilization' of Schmitz.)

Claims 2, 11.

Schmitz anticipates determining internal consistency within each of said plurality of local taxonomies. (**Schmitz**, abstract; 'Determining internal consistency' of applicant is preformed by the 'analytics system' of Schmitz.)

Claims 3, 12.

Schmitz anticipates forming said correlated topics and associations set as a metamodel system (**Schmitz**, ¶0029; 'Metamodel' of applicant is equivalent to 'attributes' of Schmitz. Each attribute consists of 'category' (equivalent to topic), 'page' and 'instant'.); and constituting said set of topics and associations to be correlated as relationships within said metamodel system. (**Schmitz**, ¶0029; The generation of the 'attributes' illustrates the correlation of relationships of the elements of the attributes within itself.)

Claims 4, 13.

Schmitz anticipates exporting said integrated enterprise taxonomy into said intellectual capital management system as a plurality of comma-separated-value files comprising said synonym links and said correlated topics and association set.

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(**Schmitz**, ¶0049; 'Comma-separated value files' of applicant is equivalent to 'concatenation' of the 'string' of Schmitz.)

Claims 7, 16.

Schmitz anticipates associating said integrated enterprise taxonomy with a plurality of enterprise documents associated with said intellectual capital management system. (**Schmitz**, ¶0005; 'Enterprise document' of applicant is equivalent to 'HTML document' of Schmitz.)

Claims 8, 17.

Schmitz anticipates forming said integrated enterprise taxonomy as a metamodel system associated with said intellectual capital management system. (**Schmitz**, abstract; 'Intellectual capital' of applicant is equivalent to 'data requested' and/or additional instructions' of Schmitz.)

Claims 9, 18

Schmitz anticipates forming said integrated enterprise taxonomy as a database associated with said intellectual capital management system. (**Schmitz**, ¶0050; 'Forming' of applicant is equivalent to 'stored in the taxonomy database' of Schmitz.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 14, 15, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz as set forth above in view of Bernstein (U. S. Patent Publication 20030120651, referred to as **Bernstein**)

Claims 5, 14, 20.

Schmitz fails to particularly call for forming said correlated topics and associations set as a hierarchical tree structure within a metamodel system; and forming said set of topics as node objects within said hierarchical tree structure; and forming said set of associations as relationships between said node objects within said hierarchical tree structure.

Bernstein teaches forming said correlated topics and associations set as a hierarchical tree structure within a metamodel system (**Bernstein**, ¶0049); and forming said set of topics as node objects within said hierarchical tree structure; and (**Bernstein**, ¶0188; 'Topics' of applicant is equivalent to 'subject' of Bernstein.) forming said set of

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associations as relationships between said node objects within said hierarchical tree structure. (**Bernstein**, ¶0179; The 'relationship' between nodes of applicant is illustrated by the variable 'IsDerivedFrom' of Bernsein.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Schmitz by designing the structure as a hierarchical tree, using topics as a basis of classification and generating a association of relationships as taught by Bernstein to form said correlated topics and associations set as a hierarchical tree structure within a metamodel system; and forming said set of topics as node objects within said hierarchical tree structure; and forming said set of associations as relationships between said node objects within said hierarchical tree structure.

For the purpose of using an established organizational method for classifying information into related groups with a narrower domain as one traverses the tree structure.

Claims 6, 15.

Schmitz fails to particularly call for forming with said synonym links a canonical synonym link structure associated with a canonical synonym from among said synonyms, said canonical synonym link structure for associating non-canonical synonyms with said canonical synonym, said canonical synonym possessing a higher order than other ones of said synonyms.

Bernstein teaches forming with said synonym links a canonical synonym link structure associated with a canonical synonym from among said synonyms, said

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canonical synonym link structure for associating non-canonical synonyms with said canonical synonym, said canonical synonym possessing a higher order than other ones of said synonyms. (**Bernstein**, ¶0012) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Schmitz by using a canonical link structure to form synonym links as taught by Bernstein to form with said synonym links a canonical synonym link structure associated with a canonical synonym from among said synonyms, said canonical synonym link structure for associating non-canonical synonyms with said canonical synonym, said canonical synonym possessing a higher order than other ones of said synonyms.

For the purpose of using only one term along with an infusion of logic to produce the canonical synonym.

Response to Arguments

5. Applicant's arguments filed on August 21, 2006 for claims 1-20 have been fully considered but are not persuasive.

6. In reference to the Applicant's argument:

SPECIFICATION REJECTIONS

With regard to the "internal consistency" language of claims 2 and 11, applicant respectfully notes that this process is discussed in the specification, e.g. at paragraph 0053. Those of skill in the art recognize the need for and meaning of internal consistency in a taxonomy.

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With regard to the "higher order" language of claims 6 and 15, applicant respectfully notes that the specification describes that all of the instances of a term other than the canonical term link to or are subordinate to the canonical term, and so does describe that the canonical term does have a higher order than the subordinate terms. Further, various embodiments specifically identify a hierarchical tree structure, which necessarily includes different orders in the hierarchy. Finally, paragraph 0069 has been amended above to include specific language corresponding to claims 6 and 15, and supported by these originally-filed claims themselves.

With regard to the "enterprise documents" language of claims 7 and 16, applicant notes that the specification as filed describes a classification scheme for organizing documents, and that those of skill in the art recognize that enterprise documents are documents belonging to a business enterprise. As such, no amendment is believed necessary. If the Examiner believes that these claims should be broadened to recite simply "documents", however, applicant would be happy to consider making such an amendment directly or to authorize the Examiner to make an Examiner's amendment.

All specification rejections are traversed.

Examiner's response:

The term 'internal consistency' is vague and susceptible to multiple interpretations. Specific methodology is required to determine if there is, or is not internal consistency present. The 'order' of language is also vague considering the applicant gives no examples of either canonical languages or non-canonical languages. However the Examiner withdraws the rejection pertaining to the term 'enterprise documents'

7. In reference to the Applicant's argument:

CLAIM REJECTIONS -- 35 U.S.C. §101

Claims 1-20 were rejected under 35 U.S.C. §101 for nonstatutory subject matter. These rejections are traversed.

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The Examiner's rejection under §101 is unfounded, and completely without basis in statutory or common law. The Examiner is respectfully referred to BPAT precedential opinion Ex Parte Lundgren, Appeal No. 2003-2088, decided October 2005.

The Federal Circuit has held that a process claim that applies a mathematical algorithm to "produce a useful, concrete, tangible result without pre-empting other uses of the mathematical principle, on its face comfortably falls within the scope of § 101," AT&T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 1358, 50 USPQ2d 1447, 1452 (Fed. Cir. 1999). The only relevant inquiry is whether the claimed methods and systems produce a result that is useful, concrete, and tangible.

Each of these claims includes producing an integrated enterprise taxonomy. This result is useful, concrete, and tangible, as described in the background section of the instant application, and the novel process for producing the taxonomy is described throughout the application.

Those of skill in the art recognize the value of such a taxonomy. The Examiner may wish to refer to, for example, http://en.wikipedia.org/wiki/Enterprise_taxonomy as background reference.

These rejections are traversed.

Examiner's response:

Wikipedia is not an MPEP reference. An algorithm by itself is non-statutory. An algorithm without a practical application is non-statutory. An algorithm with an application that is too broad is non-statutory. The applicant needs to define the purpose or function of the invention. Applicant is invited to review the interim guidelines for examination of patent applications for patent subject matter eligibility published November 22, 2005 in the official gazette.

8. In reference to the Applicant's argument:

CLAIM REJECTIONS -- 35 U.S.C. §102

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Claims 1-4, 7-13 and 16-19 were rejected under 35 U.S.C. §102(e) as being anticipated by Schmitz (U.S. Patent Publication No. 2003/0149567, hereinafter Schmitz)

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they are in the claims. (MPEP § 2131; In re Bond, 910 F. 2d 831, 832, 15 U. S P. Q. 2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (MPEP § 2131; In re Donohue, 766 F.2d 531, 534, 226 U. S.P. Q. 619, 621 (Fed. Cir. 1985)).

Claim 1 requires extracting a plurality of local taxonomies from the plurality of local enterprise community models. Claims 10 and 19 include similar limitations. The Examiner alleges that this is taught by Schmitz at paragraph 0037:

Preferably, all of the analytics take place within the transaction engine 207 upon receiving the analytics object. The transaction engine 207 receives analytics requests as objects. From these objects, the transaction engine 207 preferably extracts the client identifier inserted by the request normalizer 206 and the taxonomy description. The transaction engine 207 may use the client identifier and the taxonomy description, together with other pieces of information embedded in the analytics request including the date and time of the request, to update the analytics database 209 and the taxonomy database 208.

As may be seen, at most, this describes extracting a "taxonomy description" from "analytics object". Schmitz does not teach or suggest anything about the claimed enterprise community models, and does not teach or suggest extracting a plurality of local taxonomies.

Examiner's response:

Schmitz teaches about 'claimed enterprise community models' (**Schmitz, ¶0037**; 'Enterprise community models' of applicant is equivalent to 'taxonomy description' of Schmitz.). Schmitz teaches about 'extracting a plurality of local taxonomies' (**Schmitz, ¶0037**; 'Extracting' of applicant is accomplished by the 'transaction engine' which

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'extracts the client identifier inserted by the request normalizer and the taxonomy description.')

9. In reference to the Applicant's argument:

Claim 1 also requires correlating from each of said plurality of local taxonomies a set of topics and a set of associations for generating correlated topics and associations set relating to each of said plurality of local taxonomies. Claims 10 and 19 include similar limitations. The Examiner alleges that this is taught by Schmitz at paragraph 0029:

FIG. 1B illustrates the same URL request and response illustrated in FIG. 1(A), including an integrated taxonomy driven analytics system according to an embodiment of the invention. In this example, the requested URL 103 has gone unchanged from the previous example. However; the response sent back by the resource server has been altered. The request may now contain a small script that includes a taxonomy description 104 corresponding to the requested resource. The request may also include an instruction to the client system to perform an analytics request 105. When the client system receives this response from the resource server, it may display the text of the HTML page. Similarly, the client system may execute a script included by the resource server. The taxonomy string is defined in this script. The taxonomy string preferably includes a series of attribute-value pairs. The attributes in the provided taxonomy example are "category", "page", and "instance". The natural language words that are defined to be attributes may be arbitrary and selected by a Web server operator. These values are "patent", "figures", and "1", respectively, in this example. As with the attributes, the words that serve as the values for the given attributes may be arbitrary and selected by the Web server operator. The resulting attribute-value pairs used in the illustrated examples are "category=patent", "page=figures", and "instance=1". In this example, the "&" character is used as a delimiter between the attribute-value pairs that comprise the taxonomy description. When the client executes the analytics request 105, the client system may send the contents of the taxonomy string 105 as part of the analytics request. This taxonomy string may then be used by an analytics system as the basis for resource utilization calculations. When comparing the request URL 103 to the taxonomy description 104, it is evident that the taxonomy driven analytics provides more contextual and descriptive information.

As can be seen, Schmitz does not teach or suggest correlating a set of topics and a set of associations from each of said plurality of local taxonomies. Schmitz also does not teach or suggests generating a correlated topics and associations set relating to each of said plurality of local taxonomies according to the topics and associations, as claimed.

Examiner's response:

Schmitz teaches 'Topics' of applicant is equivalent to 'category' of Schmitz. 'Set of associations' of applicant is equivalent to 'attributes'. 'Correlated topics and associations' of applicant is equivalent to 'attribute-value pairs' of Schmitz.

10. In reference to the Applicant's argument:

Claim 1 also requires deriving a plurality of synonym links for linking synonyms within said correlated topics and associations set. Claims 10 and 19 include similar limitations. The Examiner alleges that this is taught by Schmitz at paragraphs 0029 (above) and 0027:

An embodiment of the present invention provides a computer method and system for using natural language taxonomy in the analytics of computer resource utilization via the Internet. In comparison to URLs, the natural language taxonomy can provide a more intuitive and human readable description of computing resources. The taxonomy may be defined as a series of arbitrary attribute-value pairs deemed to be an appropriate description of a Web site's, or resource server's, operator. The words used as attributes and their corresponding values may be arbitrary selected. Additionally, there is no limitation placed upon the number of attribute-value pairs that may comprise a taxonomy string. In a preferred embodiment, a Web site operator's natural language and/or business lexicon is used to describe the contents of resources available through a given resource server. This taxonomy is ideal in situations in which the information encoded with a URL is inadequate, unintelligible, or unavailable.

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Clearly, at no point does Schmitz teach or suggest anything related to synonym links, as claimed. The Examiner's statement that "'Natural language' taxonomy can be used to make 'synonym links' of the 'attribute value' (a superset of category) of Schmitz" is unsupported in the cited art. Further, even if it were true, the fact that the Examiner makes the hindsight observation that something "could" have been done in Schmitz only illustrates that Schmitz does not in fact make any such teaching or suggestion.

Examiner's response:

'Synonym links' of applicant is accomplished by the 'using statistics and analytics generated by the analytics system' of Schmitz. (**Schmitz**, ¶0039)

11. In reference to the Applicant's argument:

Claim I also requires integrating said plurality of synonym links and said correlated topics and associations set into an integrated enterprise taxonomy. Claims 10 and 19 include similar limitations. The Examiner alleges that this is taught by Schmitz at paragraph 0038:

Upon receipt of the analytics object, the analytics system 203 preferably begins its analysis of the client request. The most fundamental of which is to extract and store the taxonomy data inserted by the Web server in a taxonomy database. This is performed by disassembling the full taxonomy description into its attribute-value components. Each attribute, value, and attribute-value combination has their own entry in the taxonomy database 208, in addition to a numeric identifier.

As Schmitz does not teach or suggest synonym links at all, it clearly does not teach or suggest integrated them into an integrated enterprise taxonomy, and it is certainly clear that the passage relied upon by the Examiner includes no such teaching.

Examiner's response:

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'Synonym links' of applicant is accomplished by the 'using statistics and analytics generated by the analytics system' of Schmitz. By using the analytical system links are determined by Web site usage. (**Schmitz**, ¶0039)

12. In reference to the Applicant's argument:

Claim 1 also requires exporting said integrated enterprise taxonomy into said intellectual capital management system. Claims 10 and 19 include similar limitations. The Examiner alleges that this is taught by Schmitz at paragraph 0039:

Within each component, such as IT change planning component 88, appear visualizations of objects, such as change plan object 96. Change plan object 96 associates with IT initiatives object 98, as relationship object or connector 100 depicts. Change plan object 96 may also associate with certain IT change planning sub-objects 102 for different functions, such as in this instance, IT change planning. Outputs from change plan object 96 may further pass to IT projects object 104 within IT projects component 92. Thus, with metamodel graphical user interface 80, the user may create a visualization of a functional metamodel of an enterprise.

Clearly there is no teaching or suggestion of exporting an integrated enterprise taxonomy into an intellectual capital management system. The Examiner is invited to show support, in the art, for his statement that "'Exporting said integrated enterprise taxonomy' of applicant is equivalent to 'attribute-value composite string may be generated' of Schmitz."

As each of the independent claims include multiple limitations not taught or suggested by the art of record, all anticipation rejections are traversed.

CLAIM REJECTIONS -- 35 U.S.C. §103

Claims 5, 6, 14, 15 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmitz in view of Bernstein (U.S. Patent Publication No. 2003/0210651, hereinafter Bernstein).

As the limitations described above with relation to each of the independent claims are similarly not taught or taught or suggested by the other art of record, the obviousness rejections are similarly traversed.

All rejections are traversed.

Examiner's response:

'Intellectual capital management system' of applicant is equivalent to 'resource utilization' of Schmitz (**Schmitz**, abstract)

Examination Considerations

13. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

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14. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and sprit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

15. Examiner's Opinion: Paragraphs 13 and 14 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a):

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Claims 1-20 are rejected.

Correspondence Information

18. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3687. Any response to this office action should be mailed to:

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10/17/2006



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